

AMENDED IN ASSEMBLY JUNE 13, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE MARCH 29, 2005

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**SENATE BILL**

**No. 277**

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**Introduced by Senator Battin**

**(Principal coauthor: Senator Hollingsworth)**

**(Coauthors: Senators Ducheny and Dutton)**

*(Coauthors: Assembly Members Benoit, Bogh, Emmerson, Garcia, Haynes, and Spitzer)*

February 16, 2005

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An act to amend ~~Sections 290 and 290.46 of~~ Section 3003 of, and to add Section 3058.62 to, the Penal Code, relating to parolee sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as amended, Battin. Sex offenders.

*Existing law requires an inmate who is released on parole be subject to certain policies and procedures when determining where he or she shall be placed and what information shall be provided to local authorities, as specified. Existing law prohibits the placement of parolees convicted of lewd or lascivious acts on a child or continuous sexual abuse of a child within 1/4 mile of a school.*

*This bill would prohibit the placement of any parolee who upon release must register as a sex offender, within 1 1/2 miles of any park, day care, or public or private school including grades kindergarten to 12, inclusive.*

*Existing law requires certain parties to be notified and particular procedures to be followed when persons having served prison terms for specified offenses are released on parole.*

*This bill would require local law enforcement to be notified by the Department of Corrections 60 days prior to the release of a parolee who is required to register as a sex offender.*

~~Existing law requires persons convicted of certain sex offenses shall, subject to particular processes, register with a law enforcement agency, as specified.~~

~~Existing law provides that the Department of Justice shall make available certain information concerning specified registered sex offenders to the public via an Internet Web site. Existing law further provides that the information disclosed on the Web site may not be used for certain purposes, as specified, including employment, housing, education, and insurance.~~

~~This bill would require that registered sex offenders, about whom information is made available on the Internet Web site, be shown a copy of that information by the law enforcement agency with which he or she undergoes reregistration.~~

~~Existing law requires the department to make an annual report to the Legislature concerning the operation of these provisions.~~

~~This bill would require the annual report to include the results of an annual audit of the Internet Web site comparing a selection of 100 random listings to the data provided to local law enforcement by those registered sex offenders.~~

~~Because this bill would require local officials to perform new duties, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 3003 of the Penal Code is amended to*  
2     *read:*

3     3003. (a) Except as otherwise provided in this section, an  
4     inmate who is released on parole shall be returned to the county  
5     that was the last legal residence of the inmate prior to his or her  
6     incarceration.

7     For purposes of this subdivision, “last legal residence” shall  
8     not be construed to mean the county wherein the inmate  
9     committed an offense while confined in a state prison or local jail  
10    facility or while confined for treatment in a state hospital.

11    (b) Notwithstanding subdivision (a), an inmate may be  
12    returned to another county if that would be in the best interests of  
13    the public. If the Board of Prison Terms setting the conditions of  
14    parole for inmates sentenced pursuant to subdivision (b) of  
15    Section 1168, as determined by the parole consideration panel, or  
16    the Department of Corrections setting the conditions of parole for  
17    inmates sentenced pursuant to Section 1170, decides on a return  
18    to another county, it shall place its reasons in writing in the  
19    parolee’s permanent record and include these reasons in the  
20    notice to the sheriff or chief of police pursuant to Section 3058.6.  
21    In making its decision, the paroling authority shall consider,  
22    among others, the following factors, giving the greatest weight to  
23    the protection of the victim and the safety of the community:

24    (1) The need to protect the life or safety of a victim, the  
25    parolee, a witness, or any other person.

26    (2) Public concern that would reduce the chance that the  
27    inmate’s parole would be successfully completed.

28    (3) The verified existence of a work offer, or an educational or  
29    vocational training program.

30    (4) The existence of family in another county with whom the  
31    inmate has maintained strong ties and whose support would  
32    increase the chance that the inmate’s parole would be  
33    successfully completed.

34    (5) The lack of necessary outpatient treatment programs for  
35    parolees receiving treatment pursuant to Section 2960.

36    (c) The Department of Corrections, in determining an  
37    out-of-county commitment, shall give priority to the safety of the  
38    community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e) (1) The following information, if available, shall be released by the Department of Corrections to local law enforcement agencies regarding a paroled inmate who is released in their jurisdictions:

(A) Last, first, and middle name.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the parolee's residence location for use with a Geographical Information System (GIS) or comparable computer program.

1 (2) The information required by this subdivision shall come  
2 from the statewide parolee database. The information obtained  
3 from each source shall be based on the same timeframe.

4 (3) All of the information required by this subdivision shall be  
5 provided utilizing a computer-to-computer transfer in a format  
6 usable by a desktop computer system. The transfer of this  
7 information shall be continually available to local law  
8 enforcement agencies upon request.

9 (4) The unauthorized release or receipt of the information  
10 described in this subdivision is a violation of Section 11143.

11 (f) Notwithstanding any other provision of law, an inmate who  
12 is released on parole shall not be returned to a location within 35  
13 miles of the actual residence of a victim of, or a witness to, a  
14 violent felony as defined in paragraphs (1) to (7), inclusive, of  
15 subdivision (c) of Section 667.5 or a felony in which the  
16 defendant inflicts great bodily injury on any person other than an  
17 accomplice that has been charged and proved as provided for in  
18 Section 12022.53, 12022.7, or 12022.9, if the victim or witness  
19 has requested additional distance in the placement of the inmate  
20 on parole, and if the Board of Prison Terms or the Department of  
21 Corrections finds that there is a need to protect the life, safety, or  
22 well-being of a victim or witness.

23 (g) Notwithstanding any other law, an inmate who is released  
24 on parole ~~for any violation of Section 288 or 288.5 and required~~  
25 ~~to register pursuant to Section 290~~ shall not be placed or reside,  
26 for the duration of his or her period of parole, within ~~one-quarter~~  
27 ~~mile~~ *one and one-half miles* of any *public park, day care,*  
28 *preschool, or* public or private school including any or all of  
29 kindergarten and grades 1 to 8 12, inclusive.

30 (h) Notwithstanding any other law, an inmate who is released  
31 on parole for an offense involving stalking shall not be returned  
32 to a location within 35 miles of the victim's actual residence or  
33 place of employment if the victim or witness has requested  
34 additional distance in the placement of the inmate on parole, and  
35 if the Board of Prison Terms or the Department of Corrections  
36 finds that there is a need to protect the life, safety, or well-being  
37 of the victim.

38 (i) The authority shall give consideration to the equitable  
39 distribution of parolees and the proportion of out-of-county

1 commitments from a county compared to the number of  
2 commitments from that county when making parole decisions.

3 (j) An inmate may be paroled to another state pursuant to any  
4 other law.

5 (k) (1) Except as provided in paragraph (2), the Department of  
6 Corrections shall be the agency primarily responsible for, and  
7 shall have control over, the program, resources, and staff  
8 implementing the Law Enforcement Automated Data System  
9 (LEADS) in conformance with subdivision (e).

10 (2) Notwithstanding paragraph (1), the Department of Justice  
11 shall be the agency primarily responsible for the proper release of  
12 information under LEADS that relates to fingerprint cards.

13 *SEC. 2. Section 3058.62 is added to the Penal Code, to read:*

14 *3058.62. Whenever any person confined to state prison, will*  
15 *upon release be required to register pursuant to Section 290, the*  
16 *Department of Corrections shall notify by mail, at least 60 days*  
17 *prior to the person's scheduled release date, the sheriff or chief*  
18 *of police, or both in the community in which the person was*  
19 *convicted, and the sheriff, chief of police, or both in the*  
20 *community in which the person is scheduled to be released on*  
21 *parole, or released following a period of confinement pursuant to*  
22 *a parole revocation without a new commitment.*

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25 **All matter omitted in this version of the bill**  
26 **appears in the bill as amended in Senate,**  
27 **May 4, 2005.**  
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